

NOTICE OF INTENT

Department of Environmental Quality
Office of Air Quality and Radiation Protection
Air Quality Division

Under the authority of the Louisiana Environmental Quality Act, La. R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, La. R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality Division regulations, LAC 33:III.Chapter 59 (Log #AQ157).

This rule adds up-front registration requirements for all stationary sources that are subject to the Chemical Accident Prevention rule, LAC 33:III.Chapter 59. It also repeals the existing "state-only" registration requiring more detailed information from only the major stationary sources. There is no up-front registration required by the federal rule, 40 CFR Part 68. The up-front registration is necessary for determining which facilities are subject to the rule so that sufficient funds can be obtained through the fee system to improve implementation of the program.

This proposed rule meets the exceptions listed in R.S. 30:2019 (D) (3) and R.S.49:953 (G) (3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

A public hearing will be held on September 25, 1997, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate please contact Patsy Deaville at the address given below or at (504) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by AQ157. Such comments must be received no later than October 2, 1997, at 4:30 p.m., and should be sent to Patsy Deaville, Investigations and Regulation Development Division, Post Office Box 82282, Baton Rouge, LA 70884 or to fax number (504) 765-0486. Copies of this proposed regulation can be purchased at the above referenced address. You may contact the Investigations and Regulation Development Division at (504) 765-0399 for pricing information. Check or money order is required in advance for each copy of AQ157.

This proposed regulation is available for inspection at the following DEQ office locations from 8:00 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, 4th floor, Baton Rouge, LA 70810; 804 31st Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3501 Chateau Boulevard West Wing, Kenner, LA 70065; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508. This regulation is also available on the Internet at <http://www.deq.state.la.us/olae/irdd/olaeregs.htm>.

Gus Von Bodungen
Assistant Secretary

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 59. Chemical Accident Prevention and Minimization of Consequences

Subchapter A. General Provisions

§5903. Definitions Repealed

~~The terms in this Chapter are used as defined in LAC 33:III.111 except those terms specifically defined in an applicable subchapter or defined herein as follows:~~

~~*Full-time Employee*—2,000 hours per year of full-time equivalent employment. A source would calculate the number of full-time employees by totaling the hours worked during the calendar year by all employees, including contract employees, and dividing that total by 2,000 hours.~~

~~*Major Stationary Source*—a stationary source classified as an A-1 or A-2 source in the Compliance Data System (CDS) maintained by the department.~~

~~*Owner or Operator*—any person who owns, leases, operates, controls, or supervises a stationary source.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 30:2063.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:421 (April 1994), amended LR 22:1125 (November 1996), repealed LR

§5910. Registration Schedule Repealed

~~A. Major stationary sources, as defined in LAC 33:III.5903, shall comply with LAC 33:III.5911.~~

~~B. All stationary sources, including major stationary sources, that have a covered process shall comply with 40 CFR 68.160 on the date specified in 40 CFR 68.10.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 30:2063.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 22:1125 (November 1996), repealed LR

Subchapter B. Risk Management Program Requirements

§5911. Registration for Major Stationary Sources

~~A. By January 31, 1995, or within one year of the date on which a major stationary source becomes subject to this Chapter after January 31, 1995, (The owner or operator of each major stationary source that has a covered process as defined by 40 CFR 68.3 covered by this Chapter shall register with the administrative authority—Louisiana Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division by the latest of the following dates:~~

1. January 31, 1998; or
2. within 60 days after the date on which a stationary source becomes subject to this Chapter.

* * *

[See Prior Text in B]

1. the name of the major-stationary source, the owner/operator, the and its street address, the mailing address, and the telephone number, and the program level (as defined by 40 CFR part 68) of the facility (highest program of a process at the facility, Program 3 being the highest);
2. the names and CAS numbers of all regulated substances that are present at the major-stationary source in more than the threshold quantities and the maximum amount present in a process at any one time (in ranges) the name, mailing address, and telephone number of the invoicing contact person;
3. for each regulated substance, the four-digit SIC code(s) that apply to the use of the substance at the major-stationary source the location of the source by parish, and latitude and longitude; and
4. the Dun and Bradstreet number of the major-stationary source;
5. the name, address and telephone number of a knowledgeable contact person or a person or position with the overall responsibility for the development, implementation, and integration of accident prevention program requirements; and
6. the following certification dated and signed by the owner or operator: "The undersigned certifies that, to the best of my knowledge, information, and belief formed after reasonable inquiry, the information submitted is true, accurate, and complete."

C. If at any time after the submission of the registration, information in the registration is no longer accurate, the owner or operator shall submit an amended notice registration within 60 days to the administrative authority and the Louisiana Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 30:2063.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:426 (April 1994), amended LR 22:1125 (November 1996), LR